**THE HON'BLE SRI JUSTICE V.ESWARAIAH**

**W.P.No.12104 of 2007**

Between:

Kunjamur Tirunarayana Iyyengar. … Petitioner

and

The Joint Collector and others. … Respondents

**THE HON'BLE SRI JUSTICE V.ESWARAIAH**

**W.P.No.12104 of 2007**

**ORDER:**

Heard the learned counsel appearing for the petitioner, learned Government Pleader for Revenue appearing for R-1 to R-3 and the learned counsel appearing for R-4 and R-5.

Petitioner seeks to issue a Writ of Mandamus declaring the action of the 3rd respondent in passing the order in D.Dis(D)365/2006, dated 20-02-2007, as arbitrary and illegal and consequently direct the 1st respondent to dispose of the revision filed on 05-03-2007, which is said to be received on 14-03-2007, against the order of the 2nd respondent in D.Dis.No.1431/2006, dated 09-12-2006.

It is stated that on an application filed by the petitioner for issuance of pattadar pass book and title deed in respect of the land admeasuring Ac.1-95 cents in Sy.No.112/1 and Ac.17-08 cents in Sy.No.112/2 situated at Panakam Village, basing on the Will, dated 08-05-1995, said to have been executed in his favour, the 3rd respondent issued Patta No.218 in his favour through order, dated 09-09-1998. Aggrieved by the same, the 4th and 5th respondents herein filed an appeal before the 2nd respondent and the 2nd respondent through order, dated 09-12-2006, in D.Dis.No.1431/2006, while cancelling patta No.218, remitted the matter to the 3rd respondent to conduct

fresh enquiry duly conducting gramasabha by giving reasonable opportunity to the petitioner herein. Aggrieved by the same, the petitioner filed a revision before the 1st respondent on 05-03-2007. It is stated that the revision filed against the order of the 2nd respondent dated 09-12-2006 in D.Dis.No.1431/2006 is pending before the 1st respondent and it was posted for hearing on 29-09-2007 and thereafter it was adjourned. It is stated that pursuant to the remand order of the 2nd respondent, dated 09-12-2006, the 3rd respondent took up enquiry and passed the order in D.Dis(D)365/2006, dated 20-02-2007. Petitioner questions the said order on the ground that the required notice, which is to be given in Form VIII under Rule 19(1) of A.P.Rights in Land and Pattadar Pass Books Rules, 1989, has not been given and, therefore, the said order of the 3rd respondent is illegal and unsustainable.

Admittedly, the said order is an appealable order before the Revenue Divisional Officer under Section 5(5) of A.P.Rights in Land and Pattadar Pass Books Act, 1971. However, against the remand order of the 2nd respondent, dated 09-12-2006, the petitioner filed a revision before the 1st respondent and the same is pending.

Learned counsel appearing for respondents 4 and 5 contended that the revision has become infructuous, in view of the final order passed by the 3rd respondent on 20-02-2007, pursuant to the remand order of the 2nd respondent dated 09-12-2006.

I am not inclined to express any opinion on the merits of the case because if the revisional authority set asides the remand order of the 2nd

respondent, the consequential order of the 3rd respondent is of no effect.

Having regard to the facts and circumstances of the case, the 1st respondent is directed to consider and dispose of the revision filed against the order of the 2nd respondent in D.Dis.No.1413 of 2006, dated 19-12-2006, in accordance with law, after giving reasonable opportunity to all the concerned, without any undue delay. Pending disposal of the revision, status-quo obtaining as on today with regard to the entries in the revenue records shall be maintained. There shall be no order as to costs.

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08-10-2007

Prv